

## REMARKS

Entry of this Amendment and reconsideration of the above-identified application in view of the following amendments and remarks is respectfully requested

Claims 1-13 are pending and stand rejected.

Claims 1, 8, 12 and 13 are independent claims.

Claims 1 and 5-13 have been amended.

Claims 1-8 and 12-13 stand rejected under 35 USC 103(a) as being unpatentable over Berge (USP no. 6, 369, 954) in view of Borra (The Astrophysical Journal, 516: L115-L118, 1999 May 10). Claim 9 stands rejected under 35 USC 103(a) as being unpatentable over Berge and Borra and further in view of Hugenell (USP no. 5, 430, 577). Claim 10 stands rejected under 35 USC 103(a) as being unpatentable over Berge and Borra and further in view of Hugenell. Claim 11 stands rejected under 35 USC 103(a) as being unpatentable over Berge and Borra and further in view of Yamada (JP 8-190070).

With regard to the rejection of claims 1- 8 and 12-13 as being unpatentable under 35 USC 103(a) over Berge and Borra, applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, independent claims 1, 8 12 and 13 have been amended to further recite the element of "said first fluid and said second fluid in edge contact with an inner wall of said fluid chamber, said inner wall including a portion being hydrophilic and a portion being hydrophobic, wherein said contact of said first and second fluid with said inner wall is initially in the hydrophobic portion." No new matter has been added. Support for the amendment may be found at least on page 6, line 27-page 7, line 3.

Berge discloses a variable focus lens comprising a chamber filled with a first liquid, a drop of a second liquid being disposed at rest on a region of a first surface of an insulating wall of the chamber. The first liquid is conductive and the second liquid is insulating. The lens further comprises means for applying a voltage between the conductor liquid and an electrode placed on the second surface of the wall. Berge further

includes centering means for maintaining the centering of the edge of the drop while the voltage is applied and for controlling the shape of the drop.

Berge further discloses, in Figure 6, a chamber 12 including fluid 11 in contact with the inner walls of chamber 12. Electrodes 75-79 are used to apply an electrical charge to the change to change the shape of fluid 11 from position A to position B.

However, Berge is silent with regard to the inner wall including a portion being hydrophilic and a portion being hydrophobic, wherein said contact of said first and second fluid with said inner wall is initially in the hydrophobic portion.

Borra discloses a method for applying a metal layer to liquids to develop a high-viscosity, high-reflectivity liquids that may be used as a variable mirror surface.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, the combination of Berge and Borra fails to render obvious the subject matter recited in the independent claims, as neither Berge nor Borra disclose the initial condition of the edge of the fluid interface being positioned within a hydrophobic portion of the fluid chamber inner wall.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reason for the rejection of the independent claims, and the claims dependent therefrom, has been overcome and respectfully requests that the rejection be withdrawn.

With regard to the rejection of claims 9-11 as being unpatentable under 35 USC 103(a) in view of Berge and Borra and the additionally cited references, applicant submits each of these claims depends from claim 1, which has been shown to include subject matter not disclosed by the combination of Berge and Borra, and that the

additionally cited references fail to provide any teaching to correct the deficiencies found in Berge and Borra, and consequently, in dependent claims 9-11.

Hence, these remaining claims are also allowable by virtue of their dependency upon an allowable base claim.

For the amendments made to the claims and the remarks made herein, applicant submits that all the claims are in allowable for and respectfully requests that a Notice of Allowance be issued.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,  
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